SUPREME COURT U.S.
FILED
2007 JUN 28
OFFICE OF THE CLERK

2006-1324

In The

SUPREME COURT OF THE UNITED STATES

PO KEE WONG, Pro Se – PETITIONER

VS

USPTO/BPAI Solicitor-RESPONDENT

PETITION FOR AN EXTRAORDINARY WRIT TO THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT IN RE PO KEE WONG FOR CASE 03-1322 (SERIAL NO.08/980,657) ACCORDING TO RULE 20.3.(a) FOR A PETITION SEEKING A WRIT OF PROHIBITION AND MANDAMUS

PETITION FOR AN EXTRAORDINARY WRIT

Submitted by
PO KEE WONG, Pro Se-PETITIONER
2413 Spencer Road, Silver, Maryland 20910-2344
Tel: 301-585-3453; e-MAIL:
POKWONG@VERIZON.NET

QUESTIONS PRESENTED

I. In a patent application case when the examiner makes an initial error of judgment, should the judges of subsequent courts, who rule the case confirmatively with one and the other, be allowed to abuse the Supreme Court Rule 10 – (a) in order to cover up the initial mistakes and to avoid for an exercise of the U.S. Federal Supreme Court's supervisory power?

II. Should all U.S. government officials be given the power to rule against a case that may be construed **in violation of U.S.C. 18 Section 2071?**

III. According to **U.S.C. 1251**, should the U.S. Supreme Court allow anyone in the U.S. Government and/ or anyone else in the world to rule against the **absolute truth of mathematics?**

PARTIES TO THE PROCEEDINGS

The only parties to the proceedings are those listed in the caption of the case.

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IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR AN EXTRAORDINARY WRIT

According to the U.S. Supreme Court Rule No. 20. Pro Se PETITIONER Po Kee Wong respectfully prays that an extraordinary writ issue to review the judgment below:

OPINIONS BELOW

The opinion of the United States Court of Appeals appears at Appendices page 1a to page 2a.

JURISDICTION

The ORDER by the CAFC about case 2006-1324 (Serial No. 08/980,657) was issued on June 27, 2006. The ORDER was immediately appealed in time by Pro Se Petitioner Po Kee Wong to U.S.Supreme Court started from July 21, 2006 and continued with repeated appeals to Chief Justice John G. Roberts through U.S. Supreme Court Rules No.22 with imputes from the Executive Branch of the U.S. governmental organizations and now continued the appeal by U.S. Supreme Court Rule No. 20

RELEVANT DOCUMENTS FILED

(1) Library of Congress Registration number TX 6-162-487 dated July 22, 2004:**U.S SUPREME COURT CASE NUMBER 03-1277 ON PETITION FOR REHAERING FOR A WRIT OF CERTIORARI TO U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT- IN RE PO KEE WONG FOR CASE 03-1322(SERIAL NUMBER 08/980,657) that was also filed at the Clerk's Office.**

(2) Library of Congress Registration number TX 6-162-488 dated July 22, 2004: **U.S SUPREME COURT CASE NUMBER 03-1227 ON PETITION FOR A WRIT OF CERTIORARI TO U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT – RE PO KEE WONG FOR CASE 03-1322 (SERIAL NUMBER 08/980,657) that was also filed at the Clerk's Office.**

REASONS FOR GRANTING AN EXTRAORDINARY WRIT

The U.S. Supreme Court should grant this petition for an Extraordinary Writ based on the following reasons in answering the Questions Presented as enumerated in the followings as reasons I.; II. and III ACCORDING TO THE Supreme Court Rules 14.1.(a);20 and 22 respectively and with the reasons having been submitted to the court and published in Library of Congress Documents (1) and (2) enumerated again in the followings :

I. THIS COURT SHOULD GRANT THIS EXTRAORDINARY WRIT BECAUSE THE USPTO EXAMINER HAD MADE AN INITIAL ERROR OF JUDGMENT OF THIS CASE. WHILE EACH ONE OF THE SUBSEQUENT COURTS SHOULD HAVE RULED INDEPEDENTLY AND STAYED AWAY FROM THE INITIALLY MADE MISTAKES. HOWEVER, SINCE THEY HAD CHOSEN TO AGREE WITH ONE AND THE OTHER AND THEREFORE, THE SUPREME COURT SHOULD STEP IN TO EXAMINE AND TO DETERMINE WHETHER THE LOWER COURTS HAVE ABUSED THE SUPREME COURT RULE 10-(a) IN ORDER TO COVER UP THE INITIAL MISTAKES SUCH THAT THEY CAN AVOID FOR AN EXERCISE OF THE U.S. FEDERAL SUPREME COURT'S SUPERVISORY POWER.

II. THIS COURT SHOULD GRANT THIS EXTRAORDINARY WRIT BECAUSE THE CASE HAS BEEN EXHUSTED WITH ALL THE COURT'S PREVIOUS APPELLATE JURISDICTIONS AS EVIDENCED BY THE REASONS LISTED IN THE PETITION FOR REHEARING IN Case No. 03-1227 AND THE QUESTIONS PRESENTED FOR A WRIT OF CERTIORARI FOR CASE No. 03-1322. THEREFORE, ACCORDING TO SUPREME COURT RULE 20 AND ACCORDING TO U.S.C. 18 SECTIONS 2071, THIS COURT SHOULD EXAMINE THIS CASE TO DETERMINE WHETHER ANY U.S. GOVERNMENT OFFICIALS WHO HAVE BEEN INVOLED IN THIS CASE MAY BE CONSTRUED THE VIOLATION.

III. THE ABSOLUTE TRUTH OF MATHEMATICS HAS BEEN CONFIRMED AND OBSERVED AS A GENERAL LAW OF NATURE BY ALL PEOPLE WORLDWIDE IN THOUSANDS OF YEARS AGO AND EVEN UP TO NOW. WHILE ALL OTHER BRANCHES OF SCIENCES AND ENGINEERINGS MAY BE CHANGED WITH TIME IN HISTORY EXCEPT THAT OF THE ABSOULTE THRUTH OF MATHEMATICS.
IF THE JUDICIAL LAWS CHOOSE TO VIOLATE THIS GENERAL LAW OF NATURE, THEN ALL THE RULINGS BY JUDGES IN THE COURTS OF JUDICIAL LAWS WILL COMPLETELY FALL APARTS WITHOUT ANY ORDERS IN ALL THE COURTS WORLDWIDE AT ALL.
IT IS MY PERSONAL OPINION THAT NO ONE ON EARTH SHOULD BE GIVEN THE POWER TO RULE AGAINST THE ABSOLUTE TRUTH OF MATHEMATICS.

ACCORDING TO U.S.C 1251, THE U.S. SUPREME SHOULD GRANT THIS EXTRAORDINARY WRIT NOT TO ALLOW ANYONE IN THE U.S GOVERNMENT AND/OR ANYONE ELSE IN THE WORLD TO RULE AGAINST **THE ABSOLUTE TRUTH OF MATHEMATICS.**

TYPE OF RELIEF BEING SOUGHT

THE U.S. SUPREME COURT SHOULD GRANT THIS EXTRAORDINARY WRIT ACCORDING TO THE ABOVE REASONS I; II AND III TO ISSUE AN ORDER TO THE SOLICITOR GENERAL OF THE JUSTICE DEPARTMENT TO INSTRUCT USPTO TO COMPLETE THE ISSUANCE AND ALLOWANCE OF THE PATENT APPLICATION NUMBER 08/980,657.

CONCLUSION

Based on the above reasons I; II; III; and the type of relief being sought, the U.S. Federal Supreme Court should grant this PETITION FOR AN EXTRAORDINARY WRIT ACCORDING TO THE Supreme court Rule 20.3.(a) to grant and complete the issuance and allowance of the U.S. Patent Application Number 08/980,657.

Respectfully submitted by,

Po Kee Wong

Po Kee Wong, Pro Se Petitioner
2413 Spencer Road, Silver Spring, Maryland 209102344 USA
Tel: 301-585-3453 E-mail: pokwong@verizon.net

APPENDICES

NOTE: Pursuant to Feed Cir. R. 47.6, this order is not citable as precedent. It is a public order.

United States Court of Appeals for the Federal Circuit

2006-1324
(Serial No. 08/980,657)

IN RE PO KEE WONG

ON MOTION

Before MICHEL, Chief Judge, LINN and DYK, Circuit Judges. PER CURIAM.

ORDER

The Director of the United States Patent and Trademark Office moves to waive the requirements of Fed. Cir.R. 27(f) and to dismiss Po Kee Wong's appeal for lack of jurisdiction. Wong responds.

Wong applied for a patent on a "Uniquely-Corrected Systems and Method to Compute High Power Functions." The Board of Patent and Trademark Appeals affirmed the rejection of the sole claim of the patent. This court affirmed the rejection. In re Wong, 2003 WL 22439880 (Fed. Cir. 2003).

The Patent and Trademark Office issued a notice of abandonment in 2004. In 2005, Wong filed a petition to revive the application. The Commissioner for patents denied the petition on July 19, 2005. Wong filed a notice of appeal on February 14, 2006, seeking review by this court of the Commissioner's denial of his petition.

The Director argues that we do not have jurisdiction over the appeal from the Commissioner's denial of the petition. We agree. Morganroth v. Quigg, 885 F. 2d 843,846 (Fed. Cir. 1989) ("the Commissioner's denial of a petition to revive a patent application is subject to review in the district court," pursuant to the Administrative Procedure Act, 5 U.S.C. $$ 701 et seq.). In his response to the motion to dismiss, Wong does not dispute the jurisdictional challenge but instead appears to argue the merits of his case.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to waive the requirements of Fed. Cir. R. 27(f) is granted

(2) The motion to dismiss is granted.

(3) Each side shall bear its own costs.

FOR THE COURT

JUN 27 2006 Signature

Date **Jan Horbaly**, Clerk

cc: Po Kee Wong
John M. Whealan, Esq.

ISSUED AS A MANDATE JUN 27 2006

The appeals, submitted to and received by the Clerk's Office in U.S. Supreme Court to examine the ORDER in details, are enumerated in time as shown in the followings: (1) April 17, 2007; (2) March 27, 2007; (3) November 08, 2006.

The contents of the appeals addressed to Honorable Chief Justice John G. Roberts are summarized in the Appeal (1) April 17, 2007 with letters of imputes from the Executive Branches of U.S. Government typed in the subsequent pages in this APPENDICES.

Contents of Appeal (1) April 17, 2007:

Dear Honorable Chief Justice Roberts:

According to the book entitled **RULES OF THE SUPREME COURT OF THE UNITED STATES, ADOPTED MARCH 14, 2005; EFFECTIVE MAY 2, 2005, FROM PAGE 22 TO PAGE 23, Rule 20-1**, I am pleading to you to grant me the writ in aid of the Court's appellate jurisdiction, that exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court.

Attached with this letter of pleading include the following documents for your consideration:

(1) 1 copy of the March 27, 2007 letter from William K. Suter, Clerk of the Court and signed by Erik Fossum. 1 page.

(2) 1 copy of my most recent pleading document submitted to you on March 21, 2007 and had been received by the Office of the Clerk with a stamp dated on March 27, 2007. 20 pages.

Respectfully submitted by,
Signature signed
Po Kee Wong, Pro Se Petitioner for Supreme Court Case No. 2006-1324
2413 Spencer Road, Silver Spring, Maryland 20910-2344 USA
Tel: 301-585-3453
E-mail: pokwong@verizon.net

March 27, 2007 letter from Erik Fossum:

RE: Po Kee Wong v. USPTO/BPAI

Dear Mr. Wong:

In reply to your letter or submission, received March 27, 2007, I regret to inform you that the Court is unable to assist you in the matter you present.

Under Article III of the Constitution, the jurisdiction of this Court extends only to the consideration of cases or controversies properly brought before it from lower courts in accordance with federal law and filed pursuant to the Rules of this Court. The Court does not give advice or assistance or answer legal questions on the basis of correspondence.

Your papers are herewith returned.

Sincerely,
William K. Suter, Clerk
By:
Signature signed
Erik Fossum
(202) 479-3392

Contents of Appeal (2) March 27, 2007 letter:

Dear Honorable Chief Justice Roberts:

Pursuant to my March 20, 2007 telephonic conversations

(1) with Mr. Michael Sherry at (571-272-8800 of USPTO as indicated by the FEB 20, 2007 letter) and
(2) with Mr. Erik Fossum (202)-479-3392 in Supreme Clerk, William K. Suter's Office

The following documents (A);(B) and (C) are submitted to you for your consideration to take the appropriate action to end this 13 years old case:

(A) contains:

1. One page February 20, 2007 letter from Mindy B. Fleisher, Chief of Staff from U.S. PTO.
2. USPTO Primary Examiner of Art Unit: 2124 Mr. Chuong D Ngo's signed letter quoted " This communication is to inform applicant that the notice of abandonment mailed on Macrh 18, 2004 has been removed from the file record "one page.
3. Five pages of my previous Supreme Court Documents of Appeals to you as dated received by the Office of the Clerk with a seal dated on November 08, 2006. Total seven pages of documents of (A).

(B) contains:

1. One page December 20, 2006 letter from Mindy B. Fleisher, Chief of Staff from Office of the Commissioner for patents.

2. Three pages of documents from Marguerite A. Murer, Special Assistant to the President and Director of Presidential Correspondence of the White House.
3. Three pages of documents from Erik Fossum from the Supreme Court Clerk's Office.

(C) contains:

Five pages of my technical communications with two Chairmen of U.S. Nuclear Regulatory Commission and their technical staff members about the correctness and the corrections that should be done in relevance to the patent application number 08/980, 657

Respectfully submitted by,
Signature signed
Po Kee Wong, Pro Se Petitioner for case No. : 2006-1324
2413 Spencer Road, Silver Spring, Maryland 20910-2344
USA
Tel: 301-585-3453
E mail: pokwong@verizon.net

FEB 20 2007 letter from Mindy B. Fleisher of USPTO:

Dear Mr. Wong

Thank you for your recent correspondence to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO), Mr. Jon Dudas. Your letter has been reffered to this Office of the Commissioner for Patents for response.

Your communication again refers to your patent application, serial number 08/980,657 and specifically requests that immediate action taken to end the prosecution of this 13-year-old application.

As explained to you in previous office letters this application was finally rejected by the examiner. The rejection was affirmed by the Board of Patent Appeals and Interferences (BPAI). A request for rehearing before the BPAI was denied. The application was appealed to the Court of Appeals for the Federal Circuit (CAFC), which affirmed the decision of the BPAI. A request for rehearing before the CAFC was denied, and an appeal to the Supreme Court was also denied. Thus, all avenues of appeal have been exhausted, and the application is abandoned.

Most recently, you filed a petition for revival of the application on June 2, 2005, to which the USPTO responded on July 19, 2005. As clearly stated in our response to your petition, the USPTO lacks jurisdiction in this case to grant your petition. Jurisdiction of this case passed from the USPTO upon you filing an appeal to the CAFC.

I hope this information will be useful to you. Please feel free to contact Michael Sherry at (571) 272-8800 if you have any further questions specific to this letter.

Sincerely,
Signature signed

Mindy B. Fleisher
Chief of Staff
Office of the Commissioner for Patents

Contents of Appeal (3) November 08, 2006:

Dear Honorable Chief Justice Roberts:

I am pleading to you to examine the following two documents being sent to you according to the Supreme Court Rule number 22 such that not to allow CAFC and the USPTO/BPAI to abuse the U.S. Supreme Court Rule number 10 such that they can USE THEIR GIVEN POWER to rule against the ABSOLUTE TRUTH OF MATHEMATICS.

In particular, all their rulings may possibly be considered with intentional and/ or unintentional violation of U.S.C. 18 Section 2071 according to all documents of evidences having been submitted to the Supreme Court in the past few years. All those documents of evidences with imputes from the agencies of the Executive Branch of our U.S. government have also been openly published by the U.S. Library of Congress.

Your time and effort spent to issue your own judicial opinion on the submitted questions about this case will be gratefully appreciated by all judicial scholars and by all qualified mathematicians and physicists and scientists worldwide.

The following two documents are included in this submission to you:

(1) 2 pages of my September 23, 2006 12:36 AM E-mail of communication with Thomas L. Stoll, Associate Solicitor of USPTO.

(2) 13 pages of my September 6, 2006 APPEAL TO YOU which have been blocked and never delivered to you.

This submission will be sent to you by U.S. Postal Mail with restriction signed by you personally to prove that you have received this submission under Certified Mail Receipt number 7006-0100-0006-8263-8067.

All the mathematicians and scientists in the world and I are looking forward to hear and read from your opinion of ruling of this case.

Respectfully submitted by,
Signature signed
Po Kee Wong, Pro Se Petitioner of No. 2006-1324
2413 Spencer Road, Silver Spring, Maryland 20910-2344
USA
Tel: 301-585-3453
E-mail: pokwong@verizon.net

October 31, 2005 letter from Marguerite A. Murer:

Dear Po Kee Wong:

On behalf of President George W. Bush, thank you for your letter.
The White House is sending your inquiry to the Department of Commerce. This agency has the expertise to address your concerns. They will respond directly to you as promptly as possible.
The president sends his best wishes.
Sincerely
Signature signed
Marguerite A. Murer
Special Assistant to the President and Director of Presidential Correspondence

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November 15, 2005 letter from Marguerite A. Murer:

Dear Dr. Wong:

On behalf of President Bush, thank you for your correspondence regarding the appointment of a new Associate Justice to the Supreme Court. The president appreciates hearing your views.

Judge Samuel A. Alito, Jr., has served on the United States Court of Appeals for the Third Circuit for the past 15 years. He now has more prior judicial experience than any Supreme Court nominee in more than 70 years. He has participated in thousands of appeals and authored hundreds of opinions. In the performance of his duties, Jude Alito has gained the respect of his colleagues and attorneys for his brilliant legal mind, measured judicial temperament, and decency.

Jude Alito's long career in public service has given him an extraordinary breadth of experience on a wide range of difficult and complex legal issues, and President Bush was pleased to nominate Judge Alito to succeed justice Sandra Day O'Connor. As a Justice Department official, Federal prosecutor, and judge, he has shown a mastery of the law, a deep commitment to justice and equality, and tremendous integrity. Judge Alito understands that judges must strictly interpret the Constitution and not legislate from the bench. As the President said, his scholarly, fair-minded, and principled approach to the law will serve our Nation well in the Supreme Court.

Judge Alito has devoted his professional life to advancing justice and equality. Early in his career, he worked as an Assistant United States Attorney, handling criminal and civil matters, and argued numerous cases in the United States Courts of Appeals. As Assistant to the Solicitor General, Judge Alito argued 12 cases before the Supreme Court, and in the Justice Department's Office of Legal Counsel, he provided constitutional advice for the President and the Executive Branch. In 1987, he was appointed by President Ronald Reagan as the United States Attorney for the District of New Jersey, one of our contry's largest Federal districts. There, he gained a reputation for being both tough and fair while prosecuting white-collar and environmental crimes, violations of civil rights, drug trafficking, and organized crime.

Judge Alito possesses excellent legal training and exemplary judicial qualifications. He is a Phi Beta Kappa graduate of Princeton University. He attended Yale Law School, where he served as editor of the Yale Law Journal. He clerked for Judge Leonard Garth on the Third Circuit Court of Appeals.

In 1987, the senate confirmed Judge Alito as the United States Attorney for the District on New Jersey by unanimous consent. In 1990, the Senate confirmed Judge Alito for the United States Court of Appeals, once more by unanimous consent. President Bush believes the Senate will again be impressed by Judge Alito's distinguished record and personal character, and he urges an up or down vote on this important nomination.

For more information on Judge Alito and the nomination process, you may visit the White House website at www.whitehouse.gov/infocus/judicialnominees. Thank you again for writing. Best wishes.

Sincerely,
Signature signed
Marguerite A. Murer
Special Assistant to the President and Director of Presidential Correspondence

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May 27, 2005 letter from Gregory C. Cwalina of NRC:

Dear Dr. Wong:

This letter is in response to the email you sent to Dr. Brian Sheon of the Nuclear Regulatory Commission (NRC) on April 22, 2005. your email provided "...topics relevant to NEW NUCLEAR SFATEY STANDARD COMPUTER CODE DEVELOPMENT...in response to the request by Dr. Sheron's March 22, 2005 letter."

Dr. Sheron's March 22, 2005 letter provided an assessment of documents that you provided during the 2005 NRC Regulatory Information Conference. You were informed that members of the NRC staff looked through the documents you provided and were unable to find any information in them that supports your claim that computer analysis codes for nuclear power plant safety calculations are in error. Dr. Sheron's letter stated that NRC analysis methods, as your own calculations show, do not take into account the mathematical fact that exponentiation forms a non-commutative algebra. The March 22, 2005 letter concluded that NRC safety analysis calculations, at least with respect to exponentiation, are correct.

Dr. Sheron's letter stated that the NRC will not pursue this matter further unless you identify specific safety concerns associated with the nuclear power reactors the NRC regulates. The information provided in your April 22, 2005, email does not provide specific safety concerns. Therefore, the NRC will not take any further action regarding your email. Unless you provide specific information in the future, the NRC will not respond to any further request for review of your documents.

Sincerely,

Signature signed
Gregory C. Cwalina, Senior Allegations Coordinator
Plant Support Branch, Division of Inspection Program Management, Office of Nuclear Reactor Regulation

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March 22, 2005 letter from Dr. Brian W. Sheron of NRC:

Dear Dr. Wong:

On Wednesday, March 9, 2005, at the Nuclear Regulatory Commission's (NRC) Regulatory Information Conference, you handed me several documents which you implied showed that computer codes used to analyze nuclear plant performance were inaccurate.

I and several members of my staff have looked through the documents you provided and have been unable to find any information in them that supports your claim that computer analysis codes for nuclear power plant safety calculations are in error. In fact, my staff has reviewed the mathematical formulas presented in your paper and found that that the exponentiation operator, which is at the heart

of your paper, forms a non-commutative algebra over a field. Whether the field is real or complex is irrelevant. In order for the proof of your paper to hold true, the operation must commute (i.e., the ordering of the operation does not change the result). Our analysis methods, as your own calculations show, do take into account the mathematical fact that exponentiation forms a non-commutative algebra. Therefore, you can be assured that our safety analysis calculations, at least with respect to exponentiation, are correct.

I appreciate your interest in nuclear safety. However, unless you identify specific safety concerns associated with the nuclear power reactors the NRC regulates, we do not intend to pursue this matter further. If you have a specific nuclear safety concern, please visit our website at http://www.nrc.gov/what-we-do/regulatory/allegations/safety-concern.html, email allegations@nrc.gov, or call NRC's Toll-Free Safety Hotline at (800) 695-7403

Sincerely,
Signature signed
Brian W. Sheron, Associate Director for Project Licensing and Technical Analysis, Office of Nuclear Reactor Regulation

CERTIFICATE OF SERVICE

According to the Supreme Court Rule 29.4.(a) and 29.5.(a), I hereby certify that on June 21, 2007 I , Po Kee Wong, the Pro Se petitioner, caused the following copies of the booklets of **PETIONER FOR AN EXTRAODINARY WRIT OF CERTIORARI for the case 2006-1324 to the following parties by U.S. Postal Service:**

40 copies to:
William K. Suter, Clerk, Supreme Court Office of the Clerk
1 First Street, N.E. Washington, DC 20543
Tel: 202-479-3011 and 202-479-3392 (Erik Fossum)
.Fax: 202-479-3230

2 copies to:
Solicitor General, Department of Justice
950 Pennsylvania Avenue, N.W. Room 5614
Washington DC 20530-0001
Tel: 202-514-2217 fax: 202-514-3648

1 copy to:
Jan Horbaly, Clerk/Circuit Executive
United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W. Washington DC 20539
Tel: 202-633-6550 Fax: 202-633-9623

1 copy to:
John M. Whealan; Thomas L. Stoll; Joseph G. Piccolo
Office of the Solicitor
P.O. Box:15667 Arlington, Virginia 22215
Tel: 571-272-9035 Fax: 571-273-0373; 703-305-1324